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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/044,426	03/19/1998	J. SAM CURETON	0972-0111	8422

7590                    02/07/2002

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EXAMINER

DIXON, THOMAS A

ART UNIT

PAPER NUMBER

2161

DATE MAILED: 02/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/044,426	CURETON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Dixon	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 June 2001.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: *See Continuation Sheet*.

Continuation of Attachment(s) 6). Other: copy of drawing correction with cows.

## DETAILED ACTION

### ***Response to Arguments***

1. Claims 1-13 were originally filed. Claims 1-13 have been amended.
2. The objections to the specification are withdrawn.
3. The objections to the drawings are withdrawn, examiner's amendment has added a cow to figures 2D1 and 2E1, as indicated in the amendment of 12 December 2001.
4. The claim objections and rejections of the previous office action to claims 2,3,9, and 12 are withdrawn.
5. The IDS paper #7, filed 12 June 2001 has been considered.

Geiger "Hi-Gain Goes High Tech" is the closest non-patent literature, but does not disclose the limitations of the claims.

6. The Declaration is objected to as Mr. Carisch's signature is not dated.
7. The application stands rejected under 35 ISC 102(e) as anticipated by Anderson et al (6,032,084), as the application at issue has an additional inventor (Pavlak) which is a different inventive entity.

If applicant is attempting to exclude the reference under 35 USC 103(c) the application must be filed on or after 11/29/1999 or include a CPA or continuation filed on or after 11/29/1999.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1.

The phrase "and/or" in lines 47 and 48 renders the claim(s) indefinite because the claim(s) should written using the word "and" or "or" in order to distinctly point out and claim the subject matter of the invention. These terms make it difficult to determine the scope and operation of the "information acquisition mechanism" and the "information transmission mechanism" of the claim.

10. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per Claim 13.

The "a method of feedlot management" of line 1 is not supported by the body of the claim. The body of the claim supports the provision of a feedlot network, feedlot vehicle with onboard computer in communication with the network and driving the feedlot vehicle, but does not disclose method for feedlot management.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

11. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al (6,032,084).

As per Claim 1.

Anderson et al ('084) discloses

a feedbunk reading computer system, associated with a feedbunk reading vehicle transportable to animal pens in said feedlot, said feedbunk reading computer system including mechanisms for receiving, storing and displaying said animal health data and feed ration dispensed data, see column 8, line 63 - Column 9, line 12;

the feedbunk reading computer system further including mechanisms for producing, storing and displaying feed ration delivery data, said feed ration delivery data specifying the assigned amount of feed ration to be delivered to the feedbunks associated with a plurality of animal pens along a feeding route within a predetermined time period, and said feed ration dispensed data indicating the actual amount of feed ration delivered to the feedbunks of said animal pens during the predetermined time period;

a plurality of feed delivery vehicles each being associated with a feed delivery vehicle computer system, transportable to each said animal pen in said feedlot and having storage mechanism for storing an assigned feed load, and feed metering mechanism for metering the actual amount of feed ration delivered to the feedbunks associated with said specified sequence of animal pens, and data producing mechanism for producing said feed ration dispensed data indicative of the actual amount of feed ration delivered to said feedbunks, each said feed delivery vehicle

computer system being operable by a feed delivery vehicle operator assigned to said feed delivery vehicle and having mechanism for receiving, storing and displaying said feed ration delivery data provided from said feedbunk reading computer system, and mechanism for receiving said feed ration dispensed data produced from said metering mechanism aboard said feed delivery vehicle, see column 8, line 63 - Column 9, line 12;

a feedmill computer system, installed at a feedmill in said feedlot and having mechanism for receiving, storing and displaying said feed ration delivery data produced from said feedbunk reading computer system, see Column 10, lines 34-39;

a feedlot management computer system, for receiving, storing and displaying said feed ration delivery data, said feed ration dispensed data and said animal health data, for use by a feedlot manager of said feedlot, see Column 10, lines 26-29;

a digital data communications system integrated with said feedlot computer network, for transferring digital data files among said feedbunk reading computer system, said feedmill computer system, said plurality of feed delivery vehicle computer systems, said feedlot management computer system and said feedmill computer system, wherein said digital data files include any of said feed ration delivery data, said animal health data and said feed ration dispensed data, see Column 11, lines 1-64; and

a database for maintaining information representative of a model of said feedlot and objects contained therein, wherein each said feed delivery computer system, including a mechanism for viewing an aspect of said model maintained in said database, vehicle information acquisition mechanism for acquiring vehicle information regarding (i) the position of said feed delivery vehicle relative to a first prespecified coordinate reference frame, and/or (ii) the state of operation of said feed delivery vehicle, and information transmission mechanism for transmitting said vehicle information to said database to specify in the position and/or the state of operation of said feed delivery vehicle represented within said model of said feedlot, see column 12, lines 13-64.

As per Claim 2.

Anderson et al ('084) discloses all the limitations of claim 1.

Anderson et al ('084) further discloses vehicle information acquisition mechanism comprises a satellite based global positioning system, and said database is repeatedly up-dated using said vehicle information obtained from said satellite-based global positioning system, see column 8, lines 53-54.

As per Claim 3.

Anderson et al ('084) discloses all the limitations of claim 2.

Anderson et al ('084) further discloses animal information acquisition mechanism for acquiring animal information regarding at least one of: a) the position of animals in said feedlot relative to second prespecified coordinate reference frame, b) the body-temperature of said animals so that said feedlot model reflects the position and body-temperature of said animals, see column 4, lines 42-47, column 12, line 31 – column 13, line 28 and column 15, lines 24-26.

As per Claim 4.

Anderson et al ('084) discloses all the limitations of claim 1.

Anderson et al ('084) further discloses:

a stereoscopic display subsystem which permits the driver to stereoscopically view any aspect of said model, including the driver's vehicle as it is being navigated through the feedlot during feedlot operations, see column 14, lines 40-45 and column 21, lines 4-11.

As per Claim 5.

Anderson et al ('084) discloses all the limitations of claim 4.

Anderson et al ('084) further discloses each said feed delivery, vehicle is remotely controlled through the feedlot by an operator using a remotely situated workstation, see column 4, lines 15-23.

As per Claim 6.

Anderson et al ('084) discloses all the limitations of claim 5.

Anderson et al ('084) further discloses each said feed delivery vehicle is equipped with stereoscopic vision subsystem having a field of view along the navigational course of said feedlot vehicle, see column 3, lines 35-41.

As per Claim 7.

Anderson et al ('084) discloses all the limitations of claim 6.

Anderson et al ('084) further discloses said database is maintained aboard an Internet server operably associated with an Internet-based digital communications network, see column 4, lines 34-41.

As per Claim 8.

Anderson et al ('084) discloses all the limitations of claim 6.

Anderson et al ('084) further discloses a replica of said database is maintained aboard each said feedlot vehicle computer system, see column 4, lines 23-33, column 10, line 47 – Column 11, line 27.

As per Claim 9.

Anderson et al ('084) discloses all the limitations of claim 3.

Anderson et al ('084) further discloses subsystem can be used to ascertain both vehicle and animal information reflected in said model of the feedlot, see column 12, lines 31-52, and column 15, lines 20-28.

As per Claim 10.

Anderson et al ('084) discloses all the limitations of claim 1.

Anderson et al ('084) further discloses at least one workstation for viewing said model of said feedlot during feedlot operations, see column 15, lines 20-28.

As per Claim 11.

Anderson et al ('084) discloses all the limitations of claim 1.

Anderson et al ('084) further discloses at least one workstation for viewing said model of a feedlot vehicle in said feedlot and remotely navigating said feed-lot vehicle along a course in said feedlot, see column 4, lines 15-23.

As per Claim 12.

Anderson et al ('084) discloses

a plurality of feedlot vehicle computer systems, see column 3, lines 35-41 which include:

a communications mechanism for communicating with a feedlot computer network comprised of a feedbunk reading computer system, see column 4, lines 5-14, a mechanism for producing, storing and displaying feed ration delivery data, see column 3, lines 42-47, a feedmill computer system, see column 8, lines 7-27, a feedlot management computer system, a digital data communications system integrated with said feedlot computer network, see column 4, lines 23-41,

a feedlot modeling mechanism for maintaining a geometrical database containing a geometrical model of the feedlot and objects contained therein, see figures 2B4 and 2B5,

a coordinate acquisition mechanism for acquiring coordinate information specifying the position of the feedlot vehicle relative to a reference coordinate system defined within the feedlot, see column 12, lines 31-52, and

geometrical database processor for processing information in said geometrical database using said coordinate information in order to update said geometrical model, see column 12, lines 52-64 and column 30-45.

As per Claim 13.

Anderson et al ('084) discloses

(a) providing a feedlot computer network comprised of a feedbunk reading computer system, a mechanism for producing, storing and displaying feed ration delivery data, a feedmill computer system, a feedlot management computer system, see column 8, lines 63 – column 9 line 12, column 10, lines 26-39, and column 11, lines 1-64;

(b) providing a feedlot vehicle associated with a portable computer system in communication with said feedlot computer network, said portable computer system using real-time VR modelling and coordinate acquisition techniques in order to maintain a 3-D geometrical model of said feedlot and objects therein including said feedlot vehicle, see column 3, lines 35-47; and

(c) navigating said feedlot vehicle while viewing at least a portion of said feedlot model from within the vehicle, see column 4, lines 15-23.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (703) 305-4645. The examiner can normally be reached on Monday - Thursday 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7293 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TAD   
February 4, 2002

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